

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FRANKIE LEVI COLE,

Plaintiff,

vs.

ROSALYN COTTON, MICHAEL  
NIETO, B. NIEMAN, LT. TWOHIG,  
RYAN MANHKE, BRIANNA  
HUSMANN, PA. GILBRETH, DR.  
MORIN, DR. DEOL, SCOTT FRAKES,  
JUDGE DUANE DOUGHERTY, DCS  
APPEALS BOARD, and STATE OF  
NEBRASKA,

Defendants.

**4:21CV3062**

**MEMORANDUM AND ORDER**

This matter is before the court on its own motion. Plaintiff filed a Complaint (filing 1) on March 15, 2021. However, Plaintiff failed to include the \$402.00 filing and administrative fees. Plaintiff has the choice of either submitting the \$402.00 filing and administrative fees to the clerk's office or submitting a request to proceed in forma pauperis ("IFP").<sup>1</sup> Failure to take either action within 30 days will result in the court dismissing this case without further notice to Plaintiff.

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<sup>1</sup> If Plaintiff is granted leave to proceed IFP in this matter, he will be allowed to pay the court's \$350 filing fee in installments. *See* 28 U.S.C. § 1915(b)(1); *In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997). He would not be subject to the \$52.00 administrative fee assessed to non-IFP plaintiffs.

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to submit the \$402.00 fees to the clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.
2. The clerk of the court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").
3. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: **April 19, 2021**: Check for MIFP or payment.

Dated this 18th day of March, 2021.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge